

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION AGENDA

Second Floor Davidson Memorial Hearing Room

Wednesday, December 3, 2008, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, November 19, 2008 Worksession.

Action: _____

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following cases:

(a) **A-6262, Petition of Mark Aebig** (carport). Hearing held 10/1/08.

Action: _____

3. **A-6258, Petition of Joseph Lutch** (one-story addition/garage). Memorandum from the petitioner requesting reconsideration

Action: _____

4. **S-274-C, Petition of Suburban Hospital** (hospital). Letter from Barbara Sears, Esquire, and Erin Girard, Esquire, submitting information regarding noise testing.

Action: _____

5. **S-274-C, Petition of Suburban Hospital** (hospital). Letter from Leslie Ford Weber, submitting minutes of the Community Liaison Committee meeting held on 10/22/08.

Action: _____

6. **S-366, Petition of Earl Taisey** (animal boarding place for more than 50 animals). Letter to the Board from Linda Self, requesting a transfer of the special exception.

Action: _____

7. **S-829, Petition of Potomac Polo Club, Inc.** (private polo club). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, requesting a Show Cause Hearing.

Action: _____

8. **S-924, Petition of Thomas E. and Patricia M. Doss** (major home occupation). Letter to the Board from David Brown, Esquire, submitting the special exception site plan and letter from the Korean Baptist Church as requested at the Show Cause Hearing. [Large exhibit: site plan].

Action: _____

9. **S-1150, Petition of David W. and Jane F. Fairweather** (accessory apartment). Letter to the Board from Joseph M. Gerrety, Jr. requesting a transfer of the special exception.

Action: _____

10. **S-1237, Petition of Paul Spiegel and Lee Spiegel** (accessory apartment). Letter to the Board from Kathryn D. Kirmayer, requesting a transfer of the special exception.

Action: _____

11. **S-1286, Petition of Heritage Centers of America, Inc.** (housing for the elderly and handicapped). Memorandum from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: _____

12. **S-2471, Petition of Kids N Care Learning Center, LLC** (child day care facility). Order from the Circuit Court dismissing the petition for judicial review and remanding it to the Board.

Action: _____

13. **S-2736, Petition of Davco Restaurants, Inc.** (drive-in restaurant). Letter from Todd D. Brown, Esquire, and Debra S. Borden, Esquire, requesting postponement of the current hearing date on 1/5/09.

Action: _____

PENDING ITEMS:

14. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
15. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
16. **CBA-2521-I, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification [Large exhibits: existing conditions plan and zoning vicinity map]. Item deferred for Mr. Kline to contact homeowner's association regarding its concerns [W/S 10/8/08].
17. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception (Item deferred for additional information regarding ownership of special exception property, consensus [W/S 6/25/08].
18. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder [W/S 9/10/08].
19. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].
20. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].

21. **S-2674, Petition of Reynaldo and Zorayda Lee-Llacer** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a letter from John Jassin, M.D., requesting Oral Argument and a letter from Norman Knopf, Esquire, on behalf of Linda and Gregory Locraft. Item deferred pending resolution of the sewer connection issue. BOA to advise County Council.
22. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Hearing Examiner's Report and Recommendation. Also included is a letter to the Board from Jody Kline, Esquire, requesting oral argument or a rewording of Condition No. 16 in the Hearing Examiner's Report and Recommendation for Case No. S-2699 and requesting that special exception CBA-1660 be revoked as never implemented. (1) Granted request for oral argument; (2) deferred the Hearing Examiner's Report and Recommendation [W/S 9/24/08].

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